

# **Town Board Minutes**

**Meeting  
No. 37**

**Regular Meeting**

**December 5, 2005**

## ***Town Board Minutes***

December 5, 2005

Meeting No. 37

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 5<sup>th</sup> day of December, 2005 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPNIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
RICCARDO ZUPPELLI, POLICE CAPTAIN  
TERRENCE McCracken, GENERAL CREW CHIEF

### **EXECUTIVE SESSION:**

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED BY ENTIRE TOWN BOARD, to deliberate in Executive Session for the announced purpose of discussing a particular personnel matter in the Highway Department and a particular Police contract matter.

At 9:50 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Section 443(f) retirement plan for Police Officers who are members of NYS Retirement Tier 2

Pijacki, Kathleen, 112 Maple Drive, spoke to the Town Board on the following matter:

- truck stop on Transit Road

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- Section 443(f) retirement plan for Police Officers who are members of NYS Retirement Tier 2
- Town Board Rules of Order
- Transfer of land

**Tshulos, Nicholas, 35 Trentwood Trail, spoke to the Town Board on the following matter:**

- property on Mohawk Place and possible subdivision

**Kubicki, , 37 Trentwood Trail, spoke to the Town Board on the following matter:**

- Section 443(f) retirement plan for Police Officers who are members of NYS Retirement Tier 2
- Police reports and Police activity at local motels

**Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:**

- Freedom

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons on the adoption by the Town of Lancaster of the "All Hazard Mitigation Plan" prepared by the County of Erie in conformance with the Federal Disaster Mitigation Act of 2000.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Robert MacPeck, Disaster Services Coordinator		
Presented a brief overview to the Town Board and to the Public of the "All Hazard Mitigation Plan"		Proponent

ON MOTION BY COUNCIL MEMBER AMATURA, AND SECONDED  
BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING,  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:40 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread  
at length in these minutes, taking favorable action upon this matter.

December 5, 2005

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED,** that the minutes of the Joint Meeting of the Town Board and the Planning Board held November 21, 2005 and the Regular Meeting of the Town Board held November 21, 2005 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 5, 2005

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has ratified a contract with the collective bargaining unit, the Cayuga Club of the Town of Lancaster Police Department, for a contract which is retroactive to January 1, 2005 and runs to an expiration date of December 31, 2007, and

**WHEREAS**, one of the terms contained in this contract as heretofore ratified provides that the Town of Lancaster elect an additional retirement option for Tier 2 police officers in the Town Police Department under Section 443-(f) Retirement and Social Security Law of the State of New York, which retirement provision has a past cost which has been factored into the terms of the contract and by which terms the members of the Police Department will absorb the past cost associated with the Section 443 (f) retirement benefit;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby elects to provide the additional pension benefits of Section 443 (f) of the Retirement and Social Security Law, as presently or hereafter amended, and

**BE IT FURTHER**

**RESOLVED**, that the effective date of such election shall be the 1<sup>st</sup> day of January, 2006, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster file a certified copy of this resolution with the office of the NYS Comptroller before the effective date noted in this resolution by mailing with the United States Postal Service by registered, certified or express mail to the Office of the New York State Comptroller.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 5, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau, by letter dated December 1, 2005, has recommended the appointment of an individual to the position of regular part time Tutor with the Youth Bureau of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual is hereby appointed to the position of regular part time Tutor, not to exceed nineteen hours per week, in the Town of Lancaster Youth Bureau, effective immediately, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees:

<u>NAME</u>	<u>RATE</u>
Patrick McDonald 120 Pleasant Avenue Lancaster, New York 14086	\$16.00 hr.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 5, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Erie County has prepared an "All Hazard Mitigation Plan" in accordance with the federal Disaster Mitigation Act of 2000 and this plan has been approved by the Federal Emergency Management Agency (FEMA); and

**WHEREAS**, the Town of Lancaster Emergency Management Team has recommended that the Town Board act to approve and adopt the Erie County Plan as the official plan for the Town of Lancaster, and

**WHEREAS**, the Town of Lancaster as a local unit of government has afforded its citizens an opportunity to comment and provide input on the Plan and the actions in the Plan; and

**WHEREAS**, the Town Board of the Town of Lancaster has given due review and consideration to the Plan and comments from the public and now deems it in the public interest to approve and adopt the Erie County "All Hazard Mitigation Plan" which will be updated by Erie County no less than every five (5) years in compliance with FEMA requirements as the official Plan for the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves and adopts the Erie County "All Hazard Mitigation Plan" as the Town of Lancaster's "All Hazard Mitigation Plan" and resolves that the Town of Lancaster execute the actions as set forth in the Plan.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 5, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 18773 to Claim No. 18968 Inclusive

Total amount hereby authorized to be paid: \$1,395,937.41

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 5, 2005

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

13411	Kaz Brothers Const.	1 Willow Ridge Ct	Er. Res. Add.	
13412	Essex Homes of WNY	27 Americo Ct	Er. Dwlg.-Sin.	
13413	Garland Signs	3356 Walden Ave	Er. Sign-Wall	
13414	Forbes Homes Inc	63 Kennedy Ct	Er. Dwlg.-Sin.	
13415	Robinson, Luther	2167 Como Park Blvd	Er. Res. Add.	(V/L)
13416	Browne, Shawn	11 Traceway	Er. Res. Add.	
13417	Custom Patio Homes	77 Westwood Rd	Er. Res. Add.	
13418	J & J Commercial Const.	16 Kelly Ann Dr	Er. Deck	
13419	Duro-Shed Inc	736 Aurora St	Er. Shed	
13420	Miller, Brett	5636 Broadway	Er. Res. Alt.	(V/L)
13421	Kowalski, James	136 Westwood Rd	Er. Res. Add.	
13422	Wilcox Bros Sign Inc	6363 Transit Rd	Er. Sign-Wall	
13423	Murrano/Marc Equity	3 Avian Way	Er. Dwlg.-Sin.	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 5, 2005

File: Rbldg2

## COMMUNICATIONS & REPORTS:

625. Town of Newstead to Town Board -

Transmittal of resolution opposing change in administrative structure of Erie County Community Block Grant program. DISPOSITION = Received & Filed

626 - 628. Various Petitioners to Town Board -

Petitions in support of proposed Pilot Truck Stop, Transit Road. DISPOSITION = Planning Committee

629. Erie County Division of Sewerage Management to Town Attorney -

Comments regarding proposed City Fence Warehouse, 3893 Walden Avenue. DISPOSITION = Town Engineer

630. Town of Clarence to Town Board -

Transmittal of resolution opposing change in administrative structure of Erie County Community Block Grant program. DISPOSITION = Received & Filed

631. Lenore Rowland to Town Board -

Comments and concerns regarding proposed Pilot Truck Stop, Transit Road. DISPOSITION = Planning Committee

632. Town of Elma to Town Board -

Transmittal of resolution opposing change in administrative structure of Erie County Community Block Grant program. DISPOSITION = Received & Filed

633. Village of Lancaster Planning Commission to Village Board -

Comments regarding proposed Band Shell, Oxford Park. DISPOSITION = Supervisor

634. Erie County Division Of Highways to Town Attorney -

Transmittal of no concerns and approval of Town of Lancaster being Lead Agency regarding site plan of City Fence Inc. DISPOSITION = Planning Committee

635. Robert P. Thill to Planning Board -

Comments regarding site plan review for proposed Pilot Truck Stop, Transit Road. DISPOSITION = Planning Committee

636. Joe Cipolla to Town Board -

Petitions in support of proposed Pilot Truck Stop, Transit Road. DISPOSITION = Received & Filed

637. Alfred Wilkosz to Town Board -

Request for reappointment as Deputy Bingo Inspector. DISPOSITION = For Resolution

638. Town Clerk to Town Board -

Transmittal of renewal application from J. Renkas & Sons Inc. d/b/a AJ's Auto Wrecking to conduct a salvage yard. DISPOSITION = Town Attorney

639. Greater Buffalo-Niagara Regional Transportation Council to Town Board -

Notice of meeting to be held Wednesday, December 14, 2005, 9:30 AM in Buffalo. DISPOSITION = Received & Filed

640. Village of Farnham to Supervisor -

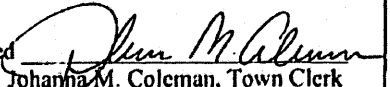
Transmittal of resolution opposing change in administrative structure of Erie County Community Block Grant program. DISPOSITION = Received & Filed

641. Bowmansville Volunteer Fire Association to Supervisor -

Notice of firefighter recognition to be held at installation on December 10, 2005. DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 9:50 P.M.**

Signed   
Johanna M. Coleman, Town Clerk